



**Entered on Docket  
July 08, 2010**

Hon. Mike K. Nakagawa  
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re: ) BK-S-09-12902(mkn)  
SUZANNE LACY, ) Chapter 13  
Chapter 13 Debtor. ) TRUSTEE: Leavitt  
Date of Hearing: June 21, 2010  
Time of Hearing: 1:30 p.m.

**ORDER GRANTING DEBTOR SUZANNE LACY'S AMENDED  
MOTION TO VACATE ORDER VACATING AUTOMATIC STAY**

19        THIS MATTER having come on for hearing on Debtor SUZANNE LACY's Amended  
20 Motion to Vacate Order Vacating Automatic Stay in the alternative, relief under 11 U.S.C. § 105,  
21 the Debtor not appearing but being represented by counsel, Jeffrey A. Cogan, Esq., Secured  
22 Lender Litton Loan Servicing, LP, as agent for Wilmington Trust Company as successor to the  
23 Bank of New York as successor to JPMorgan Chase Bank, National Association, as Trustee for  
24 the C-Bass Mortgage Loan Asset-Back Certificates, Series 2005-CB4, being represented by Kevin  
25 S. Soderstrom, Esq. of Wilde & Associates, not having filed an Opposition within the time  
26 required by the Order Shortening Time entered and served on the 7<sup>th</sup> day of May, 2010, the  
27 Chapter 13 Trustee not appearing nor filing a pleading in response thereto, the Court having  
28 reviewed the papers and pleadings on file herein, having found grounds for the Motion under

1 Bankruptcy Rule 9024 and Federal Rules of Civil Procedure 60(b) and good cause appearing  
2 therefore,

3 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the Amended  
4 Motion to Vacate Order Vacating Automatic Stay is granted.

5 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Order Vacating  
6 the Automatic Stay entered on April 8, 2010 as Document Number 54 is hereby vacated.

7 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Automatic Stay  
8 of 11 U.S.C. § 362(a) is reimposed as to Debtor SUZANNE LACY's residence located at 6021  
9 Gum Springs Street, North Las Vegas, Nevada and more particularly described as:

10 **PARCEL ONE (1):**

11 LOT 92 IN BLOCK 6 OF FIFTH AND FARM UNIT 1C, A  
12 COMMON INTEREST COMMUNITY AS SHOWN BY MAP  
13 THEREOF ON FILE IN BOOK 114 OF PLATS, PAGE 39, IN  
14 THE OFFICE OF THE COUNTY RECORDER, CLARK  
15 COUNTY, NEVADA.

16 RESERVING THEREFROM A NON-EXCLUSIVE EASEMENT  
17 FOR INGRESS, EGRESS AND ENJOYMENT IN AND TO THE  
18 COMMON ELEMENTS AS DELINEATED ON SAID MAP  
19 REFERRED TO ABOVE AND FURTHER DESCRIBED IN THE  
20 DECLARATION OF COVENANTS, CONDITIONS, AND  
21 RESTRICTIONS FOR FIFTH AND FARM RECORDED MAY  
22 16, 2003 IN BOOK 20030516 AS DOCUMENT NO. 00536 OF  
23 OFFICIAL RECORDS.

24 **PARCEL TWO (2):**

25 A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS  
26 AND ENJOYMENT IN AND TO THE COMMON ELEMENTS  
27 AS DELINEATED ON SAID MAP REFERRED TO ABOVE  
28 AND FURTHER DESCRIBED IN THE DECLARATION OF  
29 COVENANTS, CONDITIONS, AND RESTRICTIONS FOR  
30 FIFTH AND FARM RECORDED MAY 16, 2003 IN BOOK  
31 20030516 AS DOCUMENT NO. 00536 OF OFFICIAL

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## 1                   RECORDS.

2                   Submitted by:

3                   JEFFREY A. COGAN, ESQ., LTD.

4                   By 

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Reviewed by:

WILDE &amp; ASSOCIATES

By 

Gregory L. Wilde, Esq.  
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 Attorney for Secured Creditor

9                   ALTERNATIVE METHOD re: LR 9021:

10                  In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

- The court has waived the requirement of approval under LR 9021.
- This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:
- This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:
- I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

Name of Party	Approved	Dis-approved	No Response	No Opposition to Motion and No Appearance
<u>CHAPTER 13 TRUSTEE:</u> Kathleen Leavitt				XX
Wilmington Trust Company as successor to the Bank of New York as successor to JPMorgan Chase Bank, N.A., as Trustee for C-Bass Mortgage Loan Asset-Backed Certificates, Series 2005-CB4	XX			

I, Jeffrey A. Cogan, declare under penalty of perjury of the laws of the United States and the State of Nevada that the foregoing is true and correct.

/s/ Jeffrey A. Cogan

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